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August 27, 2015

The Honorable Jesse M. Furman
United States District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *In re: General Motors LLC Ignition Switch Litigation,*
14-MD-2543 (JMF)

Dear Judge Furman:

Pursuant to this Court's Order No. 8 § V, Lead and Liaison Counsel and counsel for General Motors LLC ("New GM") submit this joint written update to advise the Court of matters of possible significance in proceedings related to MDL 2543.

First, on August 19, 2015, the Bankruptcy Court entered a case management order concerning certain pleadings and disputes. On August 26, 2015, New GM, Lead Counsel, Designated Counsel, the States of Arizona and California, the GUC Trust, and counsel for the *Bledsoe*, *Elliott*, and *Sesay* plaintiffs filed letters pursuant to the Bankruptcy Court's case management order. Copies of the case management order and the parties' letters are attached hereto as Exhibits 1–7, respectively. The Honorable Robert E. Gerber will conduct a status conference regarding issues raised in the parties' letters on August 31, 2015.

Second, on July 31, 2015, New GM filed a motion for a protective order or, in the alternative, entry of the MDL 2543 Coordination Order ("Coordination Order") in *Ibarra v. Gen. Motors LLC, et al.* No. CJ-2014-01391 (Tulsa County, Okla.), a Category III wrongful death action alleging airbag, seat belt, and structural defects in a 2006 Chevrolet Impala. (*See* Order No. 16, Doc. No. 316 (defining Category III actions as "'unrelated' actions seeking ignition switch-related discovery").) New GM filed the motion in response to the *Ibarra* plaintiff's combined motion to compel discovery and for reconsideration of the court's order sustaining New GM's objections to ignition-switch-related discovery, which was a subject of the parties' July 17, 2015 joint letter to the Court (*see* Doc. 1194). On August 14, 2015, plaintiff filed a response to New GM's motion. On August 26, 2015, New GM filed a reply in support of its motion. Copies of New GM's motion, plaintiff's response, and New GM's reply are attached hereto as Exhibits 8–10, respectively. The Honorable Linda Morrissey has not yet set a date to hear New GM's motion.

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Third, on August 10, 2015, a scheduling order setting trial for July 25, 2016, was entered in *Worthington v. Gen. Motors LLC, et al.*, No. 14A-3063-3 (Cobb County, Ga.), a personal injury action alleging power steering defects in a 2004 Chevrolet Malibu. A copy of the order is attached hereto as Exhibit 11.

Fourth, on August 17, 2015, plaintiffs served discovery requests and notice for a corporate representative deposition in *Brochey, et al. v. Gen. Motors LLC, et al.*, No. 11813-15 (Erie County, Pa.), an individual economic loss action alleging an ignition key defect in a 2011 Chevrolet Camaro. On August 26, 2015, New GM filed a combined motion for protective order and adoption of the Coordination Order. A copy of the motion is attached hereto as Exhibit 12.

Fifth, on August 18, 2015, the parties filed a joint status letter in the Texas MDL, No. 2014-51871 (Harris County, Tex.). A copy of the letter is attached hereto as Exhibit 13. On August 21, 2015, the Honorable Robert Schaffer held a status conference in the Texas MDL, at which time he set bellwether trial dates for August 3, 2016, and September 16, 2016, with four initial discovery pool cases to be selected by the parties on October 5, 2015.

Sixth, on August 20, 2015, a dismissal with prejudice was entered in *Smith (Steve) v. Gen. Motors LLC, et al.*, No. 41-CV-2014-900140.00 (Lauderdale County, Ala.), a wrongful death action alleging ignition switch defects in a 2006 Chevrolet Cobalt. A copy of the dismissal order is attached hereto as Exhibit 14.

Seventh, on August 24, 2015, plaintiffs in *Gambill*, MDL No. 1:15-cv-02035, filed a motion to dismiss a duplicative complaint filed in Kentucky state court, *Gambill, et al. v. Gen. Motors LLC*, No. 15-CI-57 (Magoffin County, Ky.), a personal injury action alleging an ignition switch defect in a 2005 Chevrolet Cobalt. A copy of the motion is attached hereto as Exhibit 15.

Eighth, on August 24, 2015, the parties filed a joint motion to adopt a consent scheduling order in *Popwell v. Gen. Motors Co., et al.*, No. 03-CV-2014-901703.00 (Montgomery County, Ala.), an individual economic loss action alleging ignition switch defects in a 2010 Chevrolet Cobalt, which was a subject of the parties August 14, 2015 joint letter to the Court. (*See* Doc. No. 1252.) The proposed scheduling order would continue the January 11, 2016 trial date previously set by the Honorable Truman M. Hobbs, Jr. A copy of the motion is attached hereto as Exhibit 16.

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Ninth, on August 26, 2015, plaintiff withdrew her motion for trial setting in *Goins v. Gen. Motors LLC, et al.*, No. 2014-CI40 (Yazoo County, Miss.), a wrongful death and personal injury action alleging ignition switch defects in a 2006 Saturn Ion, which was a subject of the parties' July 31, 2015 joint letter to the Court. (*See* Doc. No. 1223.) A copy of plaintiff's notice of withdrawal is attached hereto as Exhibit 17. The parties intend shortly to meet and confer to develop a scheduling order appropriate to the case's posture.

Tenth, on **September 1, 2015**, the Honorable Vincent Lopinot will hear argument on New GM's motion for entry of the Coordination Order in *Austin, et al. v. Gen. Motors LLC*, No. 2015L000026 (St. Clair County, Ill.), a wrongful death and personal injury action alleging ignition switch defects in multiple accidents, which was a subject of the parties' August 14, 2015 joint letter to the Court. (*See* Doc. No. 1252.) On August 19, 2015, plaintiffs filed a two-sentence opposition to New GM's motion. A copy of plaintiffs' response is attached hereto as Exhibit 18.

Eleventh, on September 18, 2015, the Honorable Robert Schaffer will hear argument on plaintiffs' motion for sanctions against New GM in *Stevens, et al. v. Gen. Motors LLC, et al.*, No. 2015-04442 (Texas MDL), a wrongful death and personal injury action alleging ignition switch defects in a 2007 Saturn Sky. Plaintiffs' motion, which was a subject of the parties' May 22, 2015 joint letter to the Court (Doc. No. 978), requests sanctions arising from the action's removal. Plaintiffs previously passed on a hearing set for July 24, 2015. Copies of plaintiffs' motion, New GM's response, and plaintiffs' notice of hearing are attached hereto as Exhibits 19–21, respectively.

Twelfth, in addition to the case management order and responsive filings referenced above, the following filings were made and orders entered related to proceedings in the Bankruptcy Court since the parties' August 14, 2015 joint letter to the Court (*see* Doc. No. 1252):

- **August 14, 2015:** New GM filed a letter with the Bankruptcy Court advising it of proceedings in this Court related to the bankruptcy proceedings. The State of California filed a statement of issues and designation of items for the record on appeal in connection with the Bankruptcy Court's Judgment dated June 1, 2015, and its Decision on Motion to Enforce dated April 15, 2015. The *Bledsoe* plaintiffs filed a statement of issues and designation of items for the record on appeal in connection with the Bankruptcy Court's Judgment dated June 1, 2015, and its July 22, 2015 Decision and Order on the *Bledsoe* Plaintiffs' Reargument and Other Post-Judgment Motions.
- **August 17 2015:** New GM filed a letter with the Bankruptcy Court advising it of this Court's Order denying plaintiffs' motions to withdraw the reference.

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- August 21, 2015: New GM filed in the Second Circuit General Motors LLC's Motion To (I) Consolidate Cases Petitioning For Direct Appeal Of Judgment, and (II) Include an Additional Related Appeal.
- August 24, 2015: The Bankruptcy Court entered an Errata Order concerning that Court's Decision on the *Phillips* plaintiff's Motion for Rule 60(b) Relief, dated June 8, 2015. Also, New GM filed a letter with the Bankruptcy Court advising it of proceedings in this Court related to the bankruptcy proceedings.
- August 26, 2015: The Second Circuit entered a notice adding as submitted cases to the substantive motions calendar the motions for leave to appeal and to intervene in the appeal in connection with the Bankruptcy Court's Judgment dated June 1, 2015.
- August 27, 2015: The *Pillars* plaintiff filed a response to New GM's motion for reconsideration of the Bankruptcy Court's Order regarding the *Pillars* plaintiff's No Dismissal Pleading.

Copies of the foregoing documents are attached hereto as Exhibits 22–30, respectively.

Thirteenth, in summary for the Court, trial dates in Related Actions have been set as follows, in addition to the MDL Bellwether Trial #1:¹

- January 11, 2016: *Popwell v. Gen. Motors Co., et al.*, No. 03-CV-2014-901703.00 (Montgomery County, Ala.) (Trial Judge: Hon. Truman M. Hobbs, Jr.)
- February 1, 2016: *Felix, et al. v. Gen. Motors LLC*, No. 1422-CC09472 (City of St. Louis, Mo.) (Trial Judge: Hon. Mark Neill)
- June 6, 2016 (trial readiness date): *Gilbert v. Gen. Motors LLC, et al.*, No. 140500140 (Philadelphia County, Pa.) (Trial Judge: Hon. Lisa Rau)
- July 25, 2016: *Worthington v. Gen. Motors LLC, et al.*, No. 14A-3063-3 (Cobb County, Ga.) (Trial Judge: Hon. Irma Glover)

¹ Additionally, the court has set a December 11, 2015 trial readiness date in *Quiles v. Catsoulis, et al.*, No. 702871/14 (Queens County, N.Y.) (Trial Judge: Hon. Howard Lane). New GM will request a continuance and anticipates plaintiff's and co-defendant's cooperation in this regard. New GM's consent motion to adopt the Coordination Order remains ripe for ruling.

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- August 1, 2016: *Szatkowski, et al. v. Gen. Motors LLC, et al.*, No. 2014-08274-0 (Luzerne County, Pa.) (Trial Judge: Not Yet Assigned)
- August 3, 2016: Texas MDL Bellwether Trial #1, No. 2014-51871 (Harris County, Tex.) (Trial Judge: Hon. Robert Schaffer)
- September 6, 2016: *Grant (Courtney) v. Gen. Motors LLC*, No. 6:14-cv-02132 (M.D. Fla.) (Trial Judge: Hon. Paul Byron)
- September 16, 2016: Texas MDL Bellwether Trial #2, No. 2014-51871 (Harris County, Tex.) (Trial Judge: Hon. Robert Schaffer)
- September 19, 2016: *Clark, et al. v. Gen. Motors LLC, et al.*, No. 15-C-134-2, (Harrison County, W.Va.) (Trial Judge: Thomas Bedell); *Polanco, et al. v. Gen. Motors LLC, et al.*, No. CIVRS1200622 (San Bernardino County, Cal.) (Trial Judge: Hon. Gilbert Ochoa)
- October 24, 2016: *Pate, et al. v. Gen. Motors LLC, et al.*, No. 14A-2712-1 (Cobb County, Ga.) (Trial Judge: Hon. Melodie Clayton)
- November 8, 2016: *Cull, et al. v. Gen. Motors LLC, et al.*, No. 10C02-1404-CT-60 (Clark County, Ind.) (Trial Judge: Hon. Jerry Jacobi)
- Spring 2017: *Grant (Charon) v. Gen. Motors LLC, et al.*, No. 2014CV02570MG (Clayton County, Ga.) (Trial Judge: Hon. Michael Garrett).

The parties will continue to apprise the Court of new and modified trial settings in Related Actions.

Fourteenth, pursuant to Order No. 1 § X.8, the Defendants' July 21, 2014 Status Letter (Doc. No. 73) included an Exhibit A listing cases consolidated to date in MDL 2543, as well as an Exhibit B listing related cases pending in state and federal court, together with their current status. For the Court's convenience, updated versions of Exhibits A and B are attached hereto as Exhibit 31.

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Finally, the parties continue to work to ensure that the Court is provided with current and correct contact information for presiding judges in actions listed in the aforementioned Exhibit B. To that end, the Federal/State Liaison Counsel yesterday submitted to the Court updates to the e-mail addresses of the presiding judges in Related Actions.

Respectfully submitted,

/s/ Richard C. Godfrey, P.C.

/s/ Andrew B. Bloomer, P.C.

Counsel for Defendant General Motors LLC

cc: The Honorable Robert E. Gerber
MDL Counsel of Record